

No. 191

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Relations of the Republic of Nicaragua and refers to the Agreement between the Government of the United States of America and the Government of the Republic of Nicaragua concerning the imposition of import restrictions on archaeological material from the pre-Hispanic cultures of the Republic of Nicaragua done at Managua June 16, 1999 (hereinafter referred to as "the Agreement") and entered into force on October 20, 2000 (date of publication in the Federal Register, the official United States Government publication providing fair public notice) upon an exchange of Diplomatic Notes.

The Embassy, on behalf of the Government of the United States of America, proposes that, pursuant to Article IV A of the Agreement, the Agreement be extended for an additional five-year period.

The Embassy further proposes that, pursuant to Article IV B of the Agreement, the Agreement be amended by replacing Article II with the attached Article II.

If the foregoing proposals are acceptable to the Ministry of Foreign Relations of the Government of the Republic of Nicaragua, the Embassy proposes that this note, including the attached Article II, and the Government of the Republic of Nicaragua's note in reply, shall constitute an agreement to extend and amend the Agreement, which shall enter into force on the date of your note in reply and shall be effective October 20, 2005.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Relations the assurances of its highest consideration.

Attachment: Article II as stated.

Embassy of the United States of America,
Managua, October 6, 2005.



DIPLOMATIC NOTE

**(AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF NICARAGUA
CONCERNING
THE IMPOSITION OF IMPORT RESTRICTIONS ON
ARCHAEOLOGICAL MATERIAL FROM
THE PRE-HISPANIC CULTURES OF THE REPUBLIC OF NICARAGUA)**

ARTICLE II

- A. The Government of the Republic of Nicaragua will use its best efforts to permit the exchange of its archaeological materials according to the procedures established by the National Legislature and under circumstances in which such exchange does not jeopardize its cultural patrimony.
- B. Representatives of the Government of the United States of America will participate in joint efforts with representatives of the Government of the Republic of Nicaragua to publicize this Agreement.
- C. The Government of the United States of America will use its best efforts to facilitate technical assistance to Nicaragua in cultural resource management and security of archaeological materials, under existing programs in the public and/or private sectors in the United States.

D. Both Governments will seek to encourage academic institutions, non-governmental institutions, and other private organizations to cooperate in the interchange of knowledge and information about the cultural patrimony of Nicaragua, and to collaborate in the preservation and protection of such cultural patrimony through appropriate technical assistance, training, and resources.

E. The Government of the Republic of Nicaragua will seek to develop professional training programs for archaeological and museum staff and public institution administrators responsible for cultural patrimony, and the Government of the United States of America shall provide information on request regarding sources of assistance and expertise available through existing programs.

F. While enforcing the existing laws, the Nicaraguan authorities shall endeavor to undertake a comprehensive review of the laws governing the discovery, use, transfer, and protection of archaeological resources and materials, and clarify and strengthen them where necessary. As a priority measure, the Government of Nicaragua shall review, revise, and institute sentencing guidelines and penalties, to ensure that crimes against the cultural heritage are investigated, prosecuted, and adjudicated consistently and predictably.

G. Both Governments agree that, in order for United States import restrictions to be fully successful in thwarting pillage, the Government of the Republic of Nicaragua will intensify its efforts to prevent the illegal sale and export of archaeological objects, especially at ports of transit and shipment; and endeavor to strengthen cooperation within Central America, and especially with neighboring states, for the protection of the cultural patrimony of the region.

H. The Government of the Republic of Nicaragua agrees that it will inform the Government of the United States of America annually of steps it has taken toward meeting the terms of this Agreement.



TRANSLATION

Ministry of Foreign Relations

Embassy of the United States of America
Managua

No. MEE/DOSTAJI/470/10/08

Managua, October 18, 2005

The Ministry of Foreign Relations of the Republic of Nicaragua, Bureau of Sovereignty, Territory, and International Legal Affairs, presents its compliments to the Embassy of the United States of America and refers to its note No. 191 of October 6, 2005, copied below:

[The English and Spanish texts of note No. 191 from the Embassy of the United States of America to the Ministry of Foreign Relations of the Republic of Nicaragua have been compared and found to have the same meaning in all substantive aspects.]

The Annex to the note verbale transcribed above, relative to amending Article II of the Agreement reads as follows:

[The English and Spanish texts of Article II of the Agreement between the Government of the United States of America and the Government of the Republic of Nicaragua Concerning the Imposition of Import Restrictions on Archaeological Material from the Prehispanic Cultures of the Republic of Nicaragua and found to have the same meaning in all substantive aspects]

In this regard, the Ministry is pleased to inform the Embassy that the Government of Nicaragua accepts the proposal to extend the Agreement for an additional five-year period, in accordance with Article IV(A) and the terms of note No. 191, copied above.

The Government of Nicaragua also accepts the amendment to Article II of the Agreement, attached to the aforementioned note verbale, which, along with this response, constitute an Agreement between the two countries, which shall become effective on October 20, 2005.

[Complimentary close]

[Seal]

Encl: Proposed Article II, as proposed